

REMARKS

Claims 1-8, 14, 16 and 18-19 are pending. Claim 28 has been canceled. Claim 16 has been amended. Support for the amendments to claim 16 may be found throughout the specification and in original claim 16. No new matter has been added by reason of this amendment.

The Rejection of Claims 16, 18 and 28 under 35 U.S.C. § 112, First Paragraph

Claims 16, 18 and 28 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking written description. Claim 28 has been canceled, thereby rendering the rejection moot with respect to claim 28. Therefore, the rejection will be addressed with respect to claims 16 and 18. For the following reasons, the rejection should be withdrawn.

The Examiner argued that while the specification provides support for a method for treating asthma it does not provide support for all other conditions recited in claims 16 and 18. The specification identifies the compounds of the present invention as A_{2A} receptor antagonists. (See e.g., ¶ [0002]). Claim 16 has been amended such that the Markush group recites only ischemia, supraventricular arrhythmias, Parkinson's disease, Huntington's disease, dystonias, restless leg syndrome and dyskinesias. Claim 18 depends from claim 16. Each of the conditions recited in claims 16 and 18 is identified in the specification as being susceptible to treatment with an A_{2A} antagonist. (See e.g., ¶¶ [0011], [0520]). Consequently, each of claims 16 and 18 satisfies the requirements of 35 U.S.C. § 112, first paragraph.

Accordingly, Applicants respectfully request that the rejection of claims 16, 18 and 28 under 35 U.S.C. § 112, first paragraph be withdrawn.

The Rejection of Claims 1-4, 7-8, 16, 18-19 and 28 under 35 U.S.C. § 102(e)

Claims 1-4, 7-8, 16, 18-19 and 28 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by WO2005/099711 (Wang, et al.). For the following reasons, the rejection should be withdrawn.

The Examiner acknowledged that Applicants' priority application, Spanish Application No. P200302951, filed December 15, 2003, was filed prior to the effective filing date of Wang, which is April 13, 2004. However, the Examiner argued that Applicants were not entitled to rely

on the Spanish priority application because Applicants had not filed a translation of the priority application in accordance with 37 CFR § 1.55.

Enclosed herewith is an English translation of Spanish Application No. P200302951 in accordance with 37 CFR § 1.55. Applicants respectfully submit that the Spanish priority application entitles the present application to a priority date of December 15, 2003, thereby removing Wang as a prior art reference under 35 U.S.C. § 102(e).

Accordingly, Applicants respectfully request that the rejection of claims 1-4, 7-8, 16, 18-19 and 28 under 35 U.S.C. § 102(e) as allegedly anticipated by WO2005/099711 be withdrawn.

The Rejection of Claims 1-4, 7-8 and 19 under 35 U.S.C. § 103(a)

Claims 1-4, 7-8 and 19 were rejected under 35 U.S.C. § 103(a) as allegedly obvious in view of WO2002/47690 (Cai, et al.). For the following reasons, the rejection should be withdrawn.

The Examiner argued that Cai discloses a generic group of 2,6-di-heteroaryl-4-(hetero)arylamino pyrimidine compounds that embrace the compounds of the present invention. The Examiner further argued that Cai teaches that the compounds are taught to be useful as pharmaceutical therapeutic agents. (p. 9 of Office Action mailed March 9, 2010). The Examiner then argued that one skilled in the art “would have been motivated to select the claimed compounds from the genus in [Cai] since such compounds would have been suggested by [Cai] as a whole.” (p. 10 of Office Action). Applicants respectfully disagree.

Cai explicitly teaches that the disclosed compounds are “activators of caspases and inducers of apoptosis.” (Cai, ¶[0012]). Cai further teaches that “apoptosis and caspases are thought to be crucial in the development of cancer.” (Cai, ¶[0006]). Cai therefore teaches the use of the disclosed compounds “for treating, preventing or ameliorating neoplasia and cancer.” (Cai, ¶[0014]). The Examiner cited to pages 40-41 of Cai for its teaching of the use of the disclosed compounds as pharmaceutical therapeutic agents. At paragraph [0057], on page 41, Cai states “[t]he present invention also includes a therapeutic method comprising administering to an animal an effective amount of a compound...of Formulae I-III, wherein said therapeutic method is *useful to treat cancer, which is a group of diseases characterized by uncontrolled growth and spread of abnormal cells.*” (emphasis added). Thus, Cai is clear that the disclosed compounds are believed to be useful for the treatment of cancer. Cai makes absolutely no

mention of the use of any compounds, much less compounds of the present invention, for the treatment of CNS disorders.

In contrast to the compounds disclosed in Cai, the compounds of the present invention are A_{2A} receptor antagonists. Such compounds are useful for the treatment of CNS disorders, more specifically, movement disorders.

One skilled in the art would not have been motivated to modify the compounds of Cai so as provide the compounds of the present invention at least because the biological effect of the compounds disclosed in Cai (activators of capsases and inducers of apoptosis used for the treatment of cancer) is wholly unrelated to the biological effect of the compounds of the present invention (A_{2A} antagonists used for the treatment of CNS disorders, more specifically, movement disorders). That is, one skilled in the art would not look to activators of capsases and inducers of apoptosis, used for the treatment of cancer, as the starting point from which to develop A_{2A} antagonists for the treatment of movement disorders.

Moreover, there is no teaching or suggestion in Cai that would lead one skilled in the art to select the compounds of the presently claimed invention for any indication, much less for treatment of conditions wholly unrelated to treatment of cancer, from among the vast numbers of compounds encompassed within the broad genus.

Consequently, Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness.

Accordingly, Applicants respectfully request that the rejection of claims 1-4, 7-8 and 19 under 35 U.S.C. § 103(a) as allegedly obvious in view of WO2002/47690 be withdrawn.

Applicants respectfully submit that the claims are now in condition for allowance, early notice of which would be appreciated. Should the Examiner disagree, Applicants respectfully request a telephonic interview with the undersigned attorney to discuss any remaining issues and to expedite the eventual allowance of the claims.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, or credit any overpayment to Deposit Account 50-1283.

Dated: June 7, 2010

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